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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/461,822	12/15/1999	BRANDON A. GROOTERS	99-1228	4331

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EXAMINER

PHAM, THOMAS K

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 03/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/461,822

Applicant(s)

GROOTERS, BRANDON A.

Examiner

Thomas K Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 December 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

***Notice to Applicant(s)***

1. Claims 1-20 of U.S. Application 09/461822 filed on 12/15/1999 are presented for examination.

**DETAILED ACTION**

***Specification***

2. The disclosure is objected to because of the following informalities: display 112 (page 4 lines 12) should be replaced with display 116 according to figure 1. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Levine U.S. Patent No. 5,692,214.
5. As for claim 1, Levine shows a method, comprising: registering an application (col. 3 lines 48-49); associating the application with an event (col. 3 lines 49-53); while receiving information from a selected information source, monitoring event related information for an occurrence of the event (col. 3 lines 62-64); and upon an occurrence of the event, causing an operation of the application to be executed (col. 3 line 67 to col. 4 line 4).

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6. As for claim 2, Levine shows the method as claimed in claim 1, the event being a predetermined time relative to a program, and said monitoring step including monitoring of the time to determine when the predetermined time occurs (col. 4 lines 9-14).

7. As for claim 3, Levine shows a method as claimed in claim 1, said causing step including launching the application upon an occurrence of the event (col. 4 lines 22-27).

8. As for claim 4, Levine shows a method as claimed in claim 1, said causing step including stopping the application upon an occurrence of the event (col. 4 lines 27-30).

9. As for claim 5, Levine shows a method as claimed in claim 1, said registering step including registering the application with an electronic program guide (col. 2 lines 5-8).

10. As for claim 6, Levine shows a method as claimed in claim 1, further including the step of determining event related information based upon electronic program guide data for the received information (col. 2 lines 31-40).

11. Claims 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Levine U.S. Patent No. 5,692,214.

12. As for claim 7, Levine shows a program of instruction storable on an information storage medium for causing an information handling system to execute steps for causing the operation of an application to occur (col. 1 line 61 to col. 2 line 4), the steps comprising: registering an application (col. 3 lines 48-49); associating the application with an event (col. 3 lines 49-53); while receiving information from a selected information source, monitoring event related information for an occurrence of the event (col. 3 lines 62-64); and upon an occurrence of the event, causing an operation of the application to be executed (col. 3 line 67 to col. 4 line 4).

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13. As for claim 8, Levine shows a program of instruction as claimed in claim 7, the event being a predetermined time relative to a program, and said monitoring step including monitoring of the time to determine when the predetermined time occurs (col. 4 lines 9-14).

14. As for claim 9, Levine shows a program of instruction as claimed in claim 7, said causing step including launching the application upon an occurrence of the event (col. 4 lines 22-27).

15. As for claim 10, Levine shows a program of instruction as claimed in claim 7, said causing step including stopping the application upon an occurrence of the event (col. 4 lines 27-30).

16. As for claim 11, Levine shows a program of instruction as claimed in claim 7, said registering step including registering the application with an electronic program guide (col. 2 lines 5-8).

17. As for claim 12, Levine shows a program of instruction as claimed in claim 7, the steps further including the step of determining event related information based upon electronic program guide data for the received information (col. 2 lines 31-40).

18. Claims 13-14 and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lawler et al. U.S. Patent No. 5,585,838 (hereinafter Lawler).

19. As for claim 13, Lawler shows an apparatus, comprising: means for receiving information from one or more information sources (col. 4 lines 8-10); means for storing programming information related to information capable of being received from the one or more information sources (col. 6 lines 7-8); means for monitoring for the occurrence of a predetermined event related to information received from the one or more information sources

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(col. 6 lines 8-11); and means responsive to the occurrence of the predetermined event for implementing an operation of an application (col. 13 lines 50-52).

20. As for claim 14, Lawler shows an apparatus as claimed in claim 13, further comprising means for providing a timing reference to said monitoring means (col. 8 lines 21-24).

21. As for claim 16, Lawler shows an apparatus as claimed in claim 13, said receiving means being an information handling system capable of receiving the information and displaying the information on a display (col. 8 lines 25-26).

22. As for claim 17, Lawler shows an apparatus as claimed in claim 13, said storing means being an electronic program guide database (col. 6 lines 7-8).

23. As for claim 18, Lawler shows an apparatus as claimed in claim 13, said monitoring means being an electronic program guide capable of being executed on an information handling system (col. 7 lines 15-19).

24. As for claim 19, Lawler shows an apparatus as claimed in claim 13, said implementing means being an electronic program guide capable of being executed on an information handling system (col. 5 lines 20-30).

25. As for claim 20, Lawler shows an apparatus as claimed in claim 13, further comprising a timer circuit for providing a timing reference to said monitoring means (col. 13 lines 49-50).

### ***Claim Rejections - 35 USC § 103***

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. U.S. Patent No. 5,585,838 (hereinafter Lawler). Lawler does not specifically show an apparatus further comprising means for storing registry information regarding the application. "Official Notice" is taken that both the concept and advantages of providing for storing registry information regarding the application is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to include storing the application information in a registry to Lawler because it would provide for organizing and tracking different applications are currently running internally within a computer system.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thomas Pham; whose telephone number is (703) 305-7587 and fax number is (703) 746-8874. The examiner can normally be reached on Monday-Friday from 7:30AM- 4:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *John Follansbee*, can be reached on (703) 305-8498 or via e-mail addressed to [*joh.follansbee@uspto.gov*]. The fax number for this Group is (703) 308-5403.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [*thomas.pham@uspto.gov*].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

tp

March 20, 2003

  
JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
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